

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
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)	
v.)	No. 21-cr-10177-PBS
)	
)	
JOSEPH NEE,)	
)	
Defendant)	
)	

GOVERNMENT'S RESPONSE TO THE REQUEST FOR EARLY TERMINATION OF PROBATION

Defendant Joseph Nee was one of several members of the Boston Police Evidence Unit who pled guilty to stealing overtime by leaving early from overtime shifts. See ECF Dkt. No. 9 (guilty plea on June 22, 2021). On June 20, 2024, the Court sentenced Nee to a term of 24 months' probation. See ECF Dkt. No. 94.

On June 23, 2025, Nee moved for early termination of his probation. See ECF Dkt. No. 101. In support, Nee alleges that he has successfully paid restitution and fines and has otherwise "completed all aspects of [his] probation." *Id.* Because Nee's mere compliance with the terms of his probation do not warrant early termination, the government would oppose the request.

As a general matter, "[e]arly termination is not warranted where a defendant did nothing more than that which he was required to do by law." *United States v. Rusin*, 105 F. Supp. 3d 291, 292 (S.D.N.Y. 2015). *See also United States v. Caruso*, 241 F.Supp.2d 466, 469 (D.N.J.2003) (same). Instead, "the defendant must show that there is a 'new or unforeseen circumstance,' such as exceptionally good behavior." *Id.* No such showing has been made.

Early termination in this case would result in shortening Nee's probationary term by half.

Given the seriousness of the offense of conviction, the history and characteristics of the defendant, and the need to afford adequate deterrence, a reduction in this defendant's only two-year probationary term for his mere compliance with the standard conditions of probation would not satisfy the interests of justice in this case.

Respectfully submitted,

LEAH B. FOLEY
United States Attorney

By: /s/ Mark J. Grady
Mark J. Grady
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document will be served via mail and ECF notice to

Joseph Nee
83 Colonial Drive
Taunton, MA 02780.

/s/ Mark J. Grady
Mark J. Grady
Assistant U.S. Attorney